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AUG 11 2004

OFFICE OF PETITIONS

In re Application of :
Oakey et al. :
Application No. 09/882,849 : **DECISION ON PETITION**
Filed: June 15, 2001 :
Attorney Docket No. I4060/260090 :

This is a decision on the petition filed July 23, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 4, 2003. This Office action set forth a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). On May 6, 2004 (certificate of mailing May 3, 2004), applicants filed an amendment, made timely by an accompanying petition for extension for response within the third month. However, this amendment was determined by the examiner not to place the application in condition for allowance (Advisory Action mailed June 17, 2004). The present petition precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner filed a Request for Continued Examination (RCE) under 37 CFR 1.114, including a submission and payment of the RCE fee. The RCE has been accepted as the required reply under 37 CFR 1.137(b)(1). Petitioner has met all other requirements for a grantable petition under 37 CFR 1.137(b).

Technology Center AU 3637 has been advised of this decision. The RCE and submission under § 1.114 will be considered in due course.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-0309.


Nancy Johnson
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Office of Petitions